FILED
JAN 24 1992
OFFICE OF THE CLERK

(3)

No. 91-1039

In The
Supreme Court of the United States
October Term, 1991

WALTER FULLER AIRCRAFT SALES, INC.,

Petitioner,

versus

FAYSOUND LIMITED,

Respondent.

Petition For A Writ Of Certiorari
To The United States Court of Appeals
For The Eighth Circuit

PETITIONER'S SUPPLEMENTAL BRIEF

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PETITIONER'S SUPPLEMENTAL BRIEF

Petitioner Walter Fuller Aircraft Sales, Inc. ("Fuller") files this Supplemental Brief to its Petition for a Writ of Certiorari pursuant to Supreme Court Rule 15.7.[1]

1. On January 14, 1992 this Court entered a decision in *Smith v. Barry*, _____ U.S. _____, 60 U.S.L.W. 4065 (1992). In *Barry*, this Court stated that the notice afforded by a document, not the litigant's motivation in filing it, determines a document's sufficiency as a notice of appeal. *Barry*, 60 U.S.L.W. 4067. Consequently, in *Barry*, this Court held that an informal appellate brief, filed in the Court of Appeals, could serve as a proper notice of appeal. *Id.*

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[1] Petitioner Walter Fuller Aircraft Sales, Inc. is neither a parent nor a subsidiary corporation.

2. *Faysound Limited v. Falcon Jet Corporation*, 940 F.2d 339 (8th Cir. 1991), the decision sought to be reviewed in Fuller's petition, involves the sufficiency, as a notice of appeal, of papers filed by the petitioner Fuller. *Barry* directly speaks to a number of the specific issues raised in Fuller's petition for a writ of certiorari, further supports the petition, and entirely negates the Respondent's central position in its Brief in Opposition to the petition asserting that "the only sensible meaning of Fed. R. App. P. 4(a)(1) is that the document filed must be a genuine notice of appeal, so entitled, and not a document intended for another purpose in the court of appeals." Respondent's Brief in Opposition, p. 7.

Respectfully submitted,

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